

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**Case No. 3-:10-cr-039  
also Civil Case No. 3-:11-cv-236**

**CHUKWUEMEKA O. EZIOLISA,**

**District Judge Thomas M. Rose**

**Defendant.**

**Magistrate Judge Michael R. Merz**

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**ENTRY AND ORDER OVERRULING EZIOLISA’S OBJECTIONS (Doc. #45) TO THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATIONS; OVERRULING EZIOLISA’S OBJECTIONS (Doc. #47) TO THE MAGISTRATE JUDGE’S SUPPLEMENTAL REPORT AND RECOMMENDATIONS; ADOPTING THE MAGISTRATE’S REPORT AND RECOMMENDATIONS (Doc. #44) AND SUPPLEMENTAL REPORT AND RECOMMENDATIONS (Doc. #46) IN THEIR ENTIRETY; DISMISSING EZIOLISA’S § 2255 MOTION WITH PREJUDICE; DENYING EZIOLISA LEAVE TO APPEAL *IN FORMA PAUPERIS* AND ANY REQUESTED CERTIFICATE OF APPEALABILITY AND TERMINATING THE CIVIL CASE**

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This matter is now before the Court pursuant to Objections (doc. #45 and 47 in criminal case) filed by Chukwuemeka O. Eziolisa (“Eziolisa”) to the Report and Recommendations issued on July 7, 2011, and Supplemental Report and Recommendations issued on July 23, 2011, by Magistrate Judge Michael R. Merz.

The District Judge has reviewed the findings of Magistrate Judge Merz. The District Judge has also made a de novo review of the record in this case pursuant to 28 U.S.C. § 636(b) and Fed.R.Civ.P. 72(b). Upon consideration of the foregoing, the Court finds that the Objections to the Report and Recommendations (doc. #45 in the criminal case) and Objections to the

Supplemental Report and Recommendations (doc. #47 in the criminal case) are not well-taken and they are hereby OVERRULED.

The Magistrate Judge's Report and Recommendations and Supplemental Report and Recommendations are ADOPTED in their entirety. Ezolisa's Motion To Vacate pursuant to 28 U.S.C. §2255 is dismissed with prejudice. Also, because reasonable jurists would not disagree with this conclusion, Ezolisa is denied leave to appeal *in forma pauperis* and any requested certificate of appealability. Finally, the captioned civil cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

**DONE** and **ORDERED** in Dayton, Ohio, this Nineteenth day of September, 2011.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Chukwuemeka O. Ezolisa at his last address of record  
Counsel of Record